

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRIAN MAUS,

Plaintiff,

v.

GARY BOUGHTON, KOOL, ROBERT FISCHER,
SERGEANT MATTI, COMPLAINT EXAMINER RAY,
MATT HEESAKER, LIBRARIAN BROADBENT,
and ANDREA OLMANSON,

Defendants.

ORDER

22-cv-141-jdp

Plaintiff Brian Maus, appearing pro se, contends that when he was confined at Wisconsin Secure Program Facility, prison officials punished him for using the library's scrap paper to prepare a brief for use in a federal lawsuit. I screened Maus's complaint, concluded that it did not plausibly state any claim for relief, and gave Maus until May 17, 2022, to file an amended complaint. Dkt. 3. That deadline has passed and Maus has not filed an amended complaint or any other response to my order. Therefore, as I warned in my previous order, I will dismiss the case in its entirety for Maus's failure to state a claim upon which relief may be granted, and I will direct the clerk of court to record a strike against him under 28 U.S.C. § 1915(g). *See Paul v. Marberry*, 658 F.3d 702, 705 (7th Cir. 2011) ("[W]hen . . . the plaintiff is told to amend his . . . complaint and fails to do so, the proper ground of dismissal is not want of prosecution but failure to state a claim, one of the grounds in section 1915(g) for calling a strike against a prisoner plaintiff.").

ORDER

IT IS ORDERED that:

1. This case is DISMISSED for plaintiff's failure to state a claim upon which relief may be granted.
2. The clerk of court is directed to record a strike against plaintiff under 28 U.S.C. § 1915(g).

Entered May 31, 2022.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge